

**FILED**

9/21/2015

THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS

**RECEIVED**

SEP 14 2015

THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT

Tyrona Russell

(Name of the plaintiff or plaintiffs)

v.

Chris Schultz

Sylvia Diemen

(Name of the defendant or defendants)

CIVIL ACTION

**1:15-cv-08046**

**Judge John Blakey**

**Magistrate Judge Valdez**

**COMPLAINT OF EMPLOYMENT DISCRIMINATION**

1. This is an action for employment discrimination.

2. The plaintiff is Tyrona Russell of the

county of Cook in the state of Illinois.

3. The defendant is Chris Schultz, 321 N. Clark, 3400 whose

street address is 321 N. Clark, #3400,

(city) Chicago (county) Cook (state) Illinois (ZIP) 60601

(Defendant's telephone number) ( )

4. The plaintiff sought employment or was employed by the defendant at (street address)

(city)

(county) (state) (ZIP code)

"Defendant" Sylvia Diemen, HT Hrgr. (773) 312.541.0050  
ABM Janitorial Services  
180 N. LaSalle, #1700  
Chicago, IL 60601

5. The plaintiff [*check one box*]

- (a) ☐ was denied employment by the defendant.  
(b) ☒ was hired and is still employed by the defendant.  
(c) ☐ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about,  
(month) \_\_\_\_\_, (day) \_\_\_\_\_, (year) \_\_\_\_\_.

7.1 (*Choose paragraph 7.1 or 7.2, do not complete both.*)

(a) The defendant is not a federal governmental agency, and the plaintiff [*check one box*] ☐ *has not* filed a charge or charges against the defendant ☒ *has* asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

(i) ☒ the United States Equal Employment Opportunity Commission, on or about  
(month) 05 (day) 19 (year) 2015.

(ii) ☐ the Illinois Department of Human Rights, on or about  
(month) \_\_\_\_\_ (day) \_\_\_\_\_ (year) \_\_\_\_\_.

(b) If charges *were* filed with an agency indicated above, a copy of the charge is attached. ☒ YES. ☐ NO, but plaintiff will file a copy of the charge within 14 days.

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

7.2 The defendant is a federal governmental agency, and

(a) the plaintiff previously filed a Complaint of Employment Discrimination with the defendant asserting the acts of discrimination indicated in this court complaint.

☐ Yes (month) \_\_\_\_\_ (day) \_\_\_\_\_ (year) \_\_\_\_\_

☐ No, did not file Complaint of Employment Discrimination

(b) The plaintiff received a Final Agency Decision on (month) \_\_\_\_\_  
(day) \_\_\_\_\_ (year) \_\_\_\_\_.

(c) Attached is a copy of the

(i) Complaint of Employment Discrimination,

☐ YES ☐ NO, but a copy will be filed within 14 days.

(ii) Final Agency Decision

☐ YES ☐ NO, but a copy will be filed within 14 days.

8. (Complete paragraph 8 only if defendant is not a federal governmental agency.)

(a) ☐ the United States Equal Employment Opportunity Commission has not issued  
a *Notice of Right to Sue*.

(b) ☒ the United States Equal Employment Opportunity Commission has issued a  
*Notice of Right to Sue*, which was received by the plaintiff on  
(month) 08 (day) 12 (year) 2015 a copy of which  
*Notice* is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [*check only those that apply*]:

(a) ☐ Age (Age Discrimination Employment Act).

(b) ☐ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).

- (c) ☐ Disability (Americans with Disabilities Act or Rehabilitation Act)
- (d) ☐ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) ☒ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)
- (g) ☐ Sex (Title VII of the Civil Rights Act of 1964)
10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).
11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the A.D.E.A. by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791.
12. The defendant [*check only those that apply*]
- (a) ☐ failed to hire the plaintiff.
- (b) ☐ terminated the plaintiff's employment.
- (c) ☐ failed to promote the plaintiff.
- (d) ☐ failed to reasonably accommodate the plaintiff's religion.
- (e) ☐ failed to reasonably accommodate the plaintiff's disabilities.
- (f) ☒ failed to stop harassment;
- (g) ☐ retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;
- (h) ☐ other (specify): Excessive Punishment
-

---

---

---

---

13. The facts supporting the plaintiff's claim of discrimination are as follows:

*See Attachment*

---

---

---

---

---

14. **[AGE DISCRIMINATION ONLY]** Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

15. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff  
[check only those that apply]

- (a) ☐ Direct the defendant to hire the plaintiff.
- (b) ☐ Direct the defendant to re-employ the plaintiff.
- (c) ☐ Direct the defendant to promote the plaintiff.
- (d) ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.
- (e) ☐ Direct the defendant to reasonably accommodate the plaintiff's disabilities.
- (f) ☐ Direct the defendant to (specify): Reinstatement all benefits

pay raises

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- (g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.
- (h) ☒ Grant such other relief as the Court may find appropriate.

(Plaintiff's signature)

Tyrone Russell

(Plaintiff's name)

Tyrone Russell

(Plaintiff's street address)

23E 43rd Apt 2E

(City) Chgo (State) IL (ZIP) 60653

(Plaintiff's telephone number) (312) 772-8203

Date: 9-4-15

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA  
☒ EEOC

**440-2015-05145**

**Illinois Department Of Human Rights**

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

**Tyrone Russell**

Home Phone (Incl. Area Code)

**(773) 624-5213**

Date of Birth

**02-10-1963**

Street Address

City, State and ZIP Code

**23 E. 43rd Street, Apt. 2e, Chicago, IL 60653**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**ABM JANITORIAL**

No. Employees, Members

**500 or More**

Phone No. (Include Area Code)

**(312) 821-1318**

Street Address

City, State and ZIP Code

**55 W. Monroe, Chicago, IL 60603**

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

DATE(S) DISCRIMINATION TOOK PLACE  
Earliest Latest

☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN  
☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ GENETIC INFORMATION  
☐ OTHER (Specify)

**05-19-2015**

☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

**I began my employment with Respondent in or around July 2012. My current position is Janitor. During my employment, I was subjected to harassment and intimidation. I complained to no avail. Subsequently, I was disciplined and demoted.**

**I believe that I have been discriminated against because of my race, Black, in violation of Title VII of the Civil Rights Act of 1964, as amended.**

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

**Jul 24, 2015**

Date

*Tyrone Russell*  
Charging Party Signature

NOTARY – When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.  
SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: **Tyrone Russell**  
**23 E. 43rd Street**  
**Apt. 2e**  
**Chicago, IL 60653**

From: **Chicago District Office**  
**500 West Madison St**  
**Suite 2000**  
**Chicago, IL 60661**



On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR §1601.7(a))**

EEOC Charge No.

EEOC Representative

Telephone No.

**440-2015-05145**

**Damon Jackson,**  
**Investigator**

**(312) 869-8152**

**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

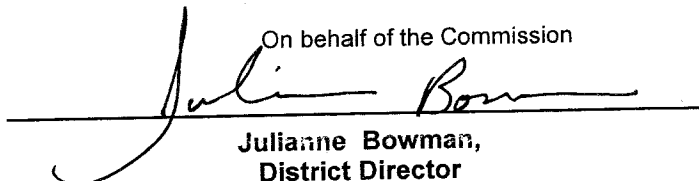
**- NOTICE OF SUIT RIGHTS -**

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

  
**Julianne Bowman,**  
**District Director**

**8/12/15**

(Date Mailed)

Enclosures(s)

cc: **ABM Onsite Services – Midwest, Inc.**  
**c/o Heather Varon, Esq.**  
**152 Technology Drive**  
**Irvine, CA 92618**



Attachment-1: Pertaining To Statement of Petitioner's Claim

Petitioner, pro se, states that Chris Schultz (CBRE employee) and Sylvia Diemer (Regional HR Mgr., ABM Janitorial Services) in their individual persons and official capacity, have created and promoted a hostile work environment by engaging in work place conduct that is threatening, intimidating, harassing, and abusive. In so doing "Defendants" have violated well-established provisions and fundamental protections of Civil Rights Act Title VII (1964).

Petitioner, pro se, contend that rights and responsibilities as stated in Civil Rights Act Title VII ( 1964 ) are of deep human importance and should not be lightly terminated; the assurance of fairness and the protection against hostile work place action(s) are fundamental to the integrity of the system.

Petitioner, pro se, lawfully request this court to hear his motion based on the following: on or about 5 May 2015 Petitioner was in fact berated by Chris Shultz, in his individual person and official capacity as CBRE employee. Petitioner, pro se, contends that in violation of Civil Rights Act (1964) abovementioned defendant, without cause did in fact conduct himself in an intimidating, threatening, abusive, and hostile manner, and that his conduct reached far beyond the reasonableness of work place behavior.

Petitioner, pro se, contend that Sylvia Diemer (Regional HR Mgr., ABM Janitorial Services) in her individual person and official capacity did in fact sustain and promote an intimidating, threatening and hostile work place environment by her failure to intervene on Petitioner's behalf. This failure is front and center when she engaged in excessive work place punishment i.e., Petitioner had already received a "verbal warning" from immediate supervisor, when abovementioned "defendant" suspended wage increase, and rescinded other accrued benefits. Despite having "Employee Handbook" (policies and procedure) as guidance Sylvia Diemer in her individual person and official capacity did violate workplace protections as enumerated in Civil Rights Act VII (1964).

Petitioner lawfully request the "Court" to hear his motion for corrective actions against "Defendants" who do not have authority to either invalidate or refuse to adhere to federal statutes and regulations as enumerated in Civil Rights Act VII (1964).

Petitioner prays this Court order appropriate sanction against both "Defendants."

Respectfully Submitted,

Tyrone Russell